

House File 210 - Introduced

HOUSE FILE 210

BY SORENSEN

A BILL FOR

- 1 An Act relating to motor vehicles that traverse certain
- 2 railroad grade crossings against a gate or signal, and
- 3 providing penalties.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 321.341, Code 2021, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 3. For violations of this section that
4 occur at a railroad grade crossing that has a median barrier
5 and that is established as a quiet zone in accordance with
6 49 C.F.R. pt. 222, subpt. C, the person may attend and
7 successfully complete, at the person's own expense, a driver
8 improvement program approved by the department in lieu of the
9 fine imposed under section 805.8A, subsection 14, paragraph
10 "h", subparagraph (2). To be eligible, the person shall notify
11 the clerk of court prior to the date of the person's court
12 appearance as indicated on the citation that the person intends
13 to attend and successfully complete a driver improvement
14 program, and shall submit to the clerk of court written
15 verification that the person completed the driver improvement
16 program, signed by the instructor of the program, within ninety
17 days of the violation.

18 Sec. 2. Section 805.8A, subsection 14, paragraph h, Code
19 2021, is amended to read as follows:

20 *h. Railroad crossing violations.*

21 (1) For violations under [sections 321.341, 321.342,](#)
22 [321.343, 321.344, and 321.344B,](#) the scheduled fine is two
23 hundred sixty dollars.

24 (2) However, for violations of section 321.341 that occur at
25 a railroad grade crossing that has a median barrier and that
26 is established as a quiet zone in accordance with 49 C.F.R.
27 pt. 222, subpt. C, the scheduled fine is five hundred twenty
28 dollars.

29 EXPLANATION

30 The inclusion of this explanation does not constitute agreement with
31 the explanation's substance by the members of the general assembly.

32 Currently, Code section 321.341 provides that when a person
33 driving a vehicle approaches a railroad grade crossing and
34 a warning is given by automatic signal, crossing gate, or
35 flag person of the immediate approach of a railroad train or

1 railroad track equipment, the driver of the vehicle is required
2 to stop the vehicle within 50 feet but not less than 15 feet
3 from the nearest rail and is prohibited from proceeding until
4 the driver can do so safely. In addition, the driver of a
5 vehicle is required to stop the vehicle and not traverse the
6 railroad grade crossing when the crossing gate is lowered or
7 when a human flagman gives or continues to give a signal of
8 the approach or passage of a railroad train or railroad track
9 equipment. A violation of this provision is punishable by a
10 scheduled fine of \$260.

11 This bill provides that when a violation of Code section
12 321.341 occurs at a railroad grade crossing that has a median
13 barrier and that is established as a quiet zone in accordance
14 with federal regulations, the violation is punishable by a
15 scheduled fine of \$520. However, the bill allows the person to
16 attend and successfully complete, at the person's own expense,
17 a driver improvement program approved by the department of
18 transportation in lieu of the fine. To be eligible, the
19 person must notify the clerk of court prior to the date of
20 the person's court appearance as indicated on the citation
21 that the person intends to attend and successfully complete a
22 driver improvement program, and must submit to the clerk of
23 court written verification that the person completed the driver
24 improvement program, signed by the instructor of the program,
25 within 90 days of the violation.